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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/059,488	01/28/2002	Satoshi Shigematsu	96790p382	5883

8791 7590 09/10/2008
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

EXAMINER

JERABEK, KELLY L

ART UNIT	PAPER NUMBER
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2622

MAIL DATE	DELIVERY MODE
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09/10/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	<p>Application No. 10/059,488</p>	<p>Applicant(s) SHIGEMATSU ET AL.</p>	
	<p>Examiner KELLY L. JERABEK</p>	<p>Art Unit 2622</p>	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 15 August 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-4, 11, 17 and 18.
Claim(s) withdrawn from consideration: 5-10, 12-16, 19 and 20.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Lin Ye/
Supervisory Patent Examiner, Art Unit 2622

/Kelly L. Jerabek/
Patent Examiner, Art Unit 2622

Continuation of 11. does NOT place the application in condition for allowance because: Applicant's arguments regarding independent claims 1 and 17 (After Final Amendment pages 8-11) state that the counter disclosed by the Hou reference operates in synchronization with the photodetectors and therefore the counter (311) disclosed by the Hou reference does not operate independently of the plurality of sensors. The Examiner respectfully disagrees. Hou discloses a data conversion/output apparatus that includes a counter (311) which counts a clock signal (320) (col. 6, lines 45-58). The clock signal (320) is applied at mark time signal connector (310) from which the counter (311) counts the time marks in the clock signal (320) (col. 6, lines 47-50). Additionally, Hou states that each of the latch circuits (314) latches respectively and independently the count number or time measured result when a corresponding gate circuit outputs a signal. In other words, one latch circuit latches in the count number when the corresponding photodetector has accumulated enough photons to reach the reference level (col. 6, lines 45-65). Thus, it can be seen that the counter (311) operates independently of the plurality of sensors (the counter 311 continues counting despite certain photodetectors accumulating enough photons to reach the reference level), and a maximum value of the counter is arbitrarily adjustable (the counter 311 maximum value depends on when each corresponding photodetector has accumulated enough photons to reach the reference level). The Examiner notes that although the counter (311) counts the time marks once light integration of the photodetectors starts and is reset at the end of light integration this does not mean that the counter does not operate independently of the plurality of sensors. In fact, because the counter continues counting even after certain photodetectors accumulating enough photons to reach the reference level it is clear that the counter operates independently of the plurality of sensors. The Examiner agrees that the reset of the counter (311) is dependent upon the light integration of the photodetectors, however the Examiner maintains that the overall operation of the counter (311) is independent of the plurality of sensors. The Examiner notes that the reset of a counter is different than the overall operation of the counter .